

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 19

Filed by: Mark Nagumo  
Administrative Patent Judge  
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Filed  
19 February 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

ROLAND ANDREE,  
MARK WILHELM DREWES, MARKUS DOLLINGER,  
and HANS-JOACHIM SANTEL

Junior Party  
(Patent No. 6,251,828),

v.

RALF KLINTZ, PETER SCHAEFER,  
GERHARD HAMPRECHT, ELISABETH HEISTRACHER,  
HANS-JOSEF WOLF, KARL OTTO WESTPHALEN,  
MATTHIAS GERBER, UWE KARDORFF, HELMUT WALTER,  
and KLAUS GROSSMANN

Senior Party  
(Application No. 09/733,554).

Patent Interference 105,039 (NAGUMO)

ORDER GRANTING KLINTZ MISCELLANEOUS MOTION NUMBER 1

Background

1. On 19 February 2003, in response to an invitation by the undersigned Administrative Patent Judge (Paper No. 23 at 8), Klintz filed a motion to amend its claim 53. (Paper No. 24.)
2. Specifically, Klintz seeks to define the moieties X<sup>1</sup> and X<sup>2</sup> as oxygen or sulfur. (*Id.* at 2.)

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3. Klintz states that the parties have agreed that the motion shall be filed without opposition. (*Id.* at 4.)

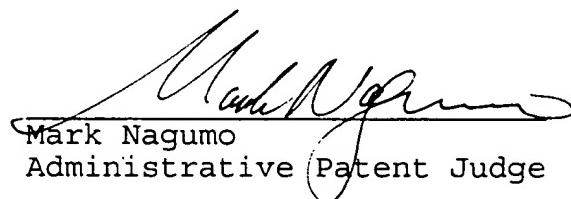
Order

In consideration of the foregoing, it is ORDERED that Klintz's unopposed miscellaneous motion is GRANTED;

FURTHER ORDERED that a copy of this order shall be placed in the file of Klintz's application Serial No. 09/733,554;

FURTHER ORDERED that all dates set in this proceeding remain in effect;

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 C.F.R. § 1.661.



Mark Nagumo  
Administrative Patent Judge

Interference 105,039  
cc (via facsimile and first class mail):

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